

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Victoria H. Maxwell, Kathleen R. Garcia

Application No.: 10/692,941

Group No.: N/A

Filed: October 24, 2003

Examiner: N/A

For: Landscape/Erosion Control Product

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

## List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Identification of Person(s) Making This Information Disclosure Statement

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

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**Complete if Known**

Application Number	10/692,941
Filing Date	10/24/2003
First Named Inventor	Victoria H. Maxwell
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	VHM/3

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 763,503	06/28/1904	McGregor	
		US- 2,464,301	03/15/1949	Francis, Jr.	
		US- 2,740,233	04/03/1956	Reynolds	
		US- 2,822,644	02/11/1958	Berger	
		US- 3,181,273	05/04/1965	West et al.	
		US- 3,305,969	02/28/1967	Mattson	
		US- 3,315,408	04/25/1967	Fisher	
		US- 3,517,514	06/30/1970	Visser	
		US- 3,555,728	01/19/1971	Herns	
		US- 3,805,446	04/23/1974	Aoyagi	
		US- 3,870,583	03/11/1975	Gidge	
		US- 3,955,319	05/11/1976	Smith	
		US- 4,062,145	12/13/1977	Gidge	
		US- 4,181,450	01/01/1980	Rasen et al.	
		US- 4,190,981	03/04/1980	Muldner	
		US- 4,304,069	12/08/1981	Kobayashi	
		US- 4,342,807	08/03/1982	Rasen et al.	
		US- 4,353,946	10/12/1982	Bowers	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

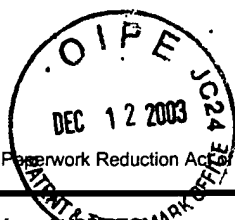
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

### Complete if Known

Application Number	10/692,941
Filing Date	10/24/2003
First Named Inventor	Victoria H. Maxwell
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	VHM/3

Sheet 1 of 1

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		DECLARATION OF VICTORIA H. MAXWELL AND KATHLEEN R. GARCIA, "Hydro Seeding a Slope with Various Types of Vegetation or Seed Mixes and Adding Straw," total of 1 page,	
		DECLARATION OF VICTORIA H. MAXWELL AND KATHLEEN R. GARCIA, "Hydro Seeding a Slope with Various Types of Vegetation or Seed Mixes," total of 1 page,	
		DECLARATION OF VICTORIA H. MAXWELL AND KATHLEEN R. GARCIA, "Using Rope Netting in Combination with Landscape Material," total of 1 page,	
		EASY GARDENER, "WeedBlock," Easy Gardner, total of 3 pages, (2001).	
		DECLARATION OF VICTORIA H. MAXWELL, "Weed Block Brand Landscape Fabric Sold by Easy Gardner, Inc.," total of 1 page,	
		TENAX UK LIMITED, "Netting, Mesh & Fabrics," WeedStop, Tenax UK Limited, total of 3 pages,	
		TED CUSHMAN, "Smarter Site Work with Geosynthetics," The Journal of Light Construction (U.S.A.), front page, p. 57-63, (May, 2003).	

Examiner  
Signature

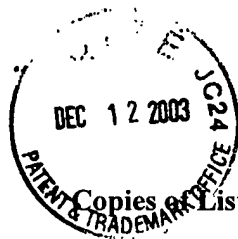
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

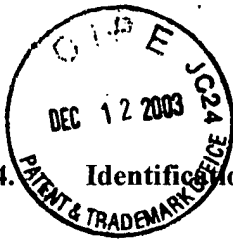
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**Section 3. Copies of Listed Information Items Accompanying This Statement**

Legible copies of the non-patent references listed in Forms PTO/SB/08B (substitute for Form PTO-1449) accompany this information statement.



Section 4. Identification of Persons Making This Information Disclosure Statement

The persons making this certification are:

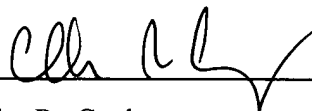
- a. the inventors who sign below.

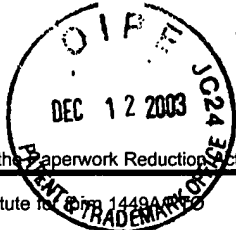
  
Signature of Victoria H. Maxwell

  
Signature of Kathleen R. Garcia

- b. the practitioner who signs below on the basis of the information in the practitioner's file.

Date: December 9, 2003

  
Charles R. Cypher  
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Law Offices of James R. Cypher  
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510-832-4111  
Customer No. 0498



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		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,794,726	01/03/1989	Fawcett et al.	
		US- 5,070,641	12/10/1991	Brockington	
		US- 5,232,759	08/03/1993	Golze	
		US- 5,307,588	05/03/1994	Ullmann	
		US- 5,644,998	07/08/1997	Krolick	
		US- 5,651,641	07/29/1997	Shephens et al.	
		US- 5,849,645	12/15/1998	Lancaster	
		US- 5,855,090	01/05/1999	Reum, Sr.	
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### FOREIGN PATENT DOCUMENTS

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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